



**MINUTES OF A SPECIAL MEETING OF THE
UPLAND PLANNING COMMISSION HELD
WEDNESDAY, AUGUST 12, 2020
AT 6:30 P.M.**

CALL TO ORDER OF THE PLANNING COMMISSION SPECIAL MEETING

Chair Aspinall called the Special Meeting of the Upland Planning Commission to order in the Council Chambers of the Upland City Hall at 6:30 P.M.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Commissioner Grahn*.

ROLL CALL

MEMBERS PRESENT: Chair Aspinall, Vice Chair Schwary, Commissioners Anderson, Caldwell, Grahn, Mayer, and Shim.

MEMBERS ABSENT: None

ALSO PRESENT: Development Services Director and Planning Commission Secretary Dalquest, Contract Planning Manager Poland, Associate Planner Winter, Deputy City Attorney Shah, Senior Administrative Assistant Davidson.

Chair Aspinall welcomed *Commissioner Caldwell* to the Planning Commission.

APPROVAL OF MINUTES

Commissioner Grahn requested the minutes for July 8, 2020 be corrected to reflect he was not on the Planning Commission when the May 27, 2020 minutes were approved.

Moved by *Vice Chair Schwary*, to approve of the minutes of the Planning Commission Special meeting of July 8, 2020, as amended.

The motion was seconded by *Commissioner Mayer*.

The motion carried by the following vote (4-0-3):

AYES: *Chair Aspinall, Vice Chair Schwary, Commissioners Grahn and Mayer.*

NAYS: *None* ABSTAINED: *Commissioners Anderson, Caldwell, and Shim.*

ABSENT: *None*

Moved by *Commissioner Anderson*, to approve of the minutes of the Planning Commission Regular meeting of July 22, 2020.

The motion was seconded by *Vice Chair Schwary*.

The motion carried by the following vote (6-0-1):

AYES: *Chair Aspinall, Vice Chair Schwary, Commissioners Anderson, Grahn, Mayer, and Shim.*

NAYS: *None* ABSTAINED: *Commissioner Caldwell.*

ABSENT: *None*

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COUNCIL ACTIONS

Development Services Director Dalquest provided a brief follow up on the July 13th, July 27th and August 10th City Council Meetings, reported Kosmont Companies provided a presentation of the results of a Hotel Market Demand Study to Council, Council discussion of policy regarding modifications to the development standards to allow for non-historic art murals within the Downtown Specific Plan, and Council ratified an Executive Order from the Director of Emergency Services to allow retailers to display items outdoors during the COVID-19 pandemic.

Development Services Director Dalquest reported there were three (3) Public Hearings at the August 10th City Council meeting noting the first was to adopt a threshold of significance for “vehicle miles traveled” as well as guidelines, the second was to adopt comprehensive wireless regulations, and the third was to adopt a Short-Term Rental (STR) Ordinance of which all were approved. Additionally, he reported Council approved the sale of City-owned property on Euclid and Laurel off the 210 Freeway, which was originally purchased for a water facility but later deemed unnecessary. Additionally, he indicated the City entered Escrow with Crestwood Communities who is proposing to build four (4) semi-custom for-sale homes on the site.

FUTURE AGENDA ITEMS

Contract Planning Manager Poland reported the Commission will hear four (4) Public Hearing items at the September 23rd meeting which include Council consideration of an Ordinance revising the City’s regulations on Accessory Dwelling Units (ADU), Zoning Code amendments to consider allowing and providing regulation for digital electronic programmable displays within the Public Institutional Zoning District, and two (2) adjacent development projects for a Shell gas station and a mixed-use building with five (5) suites.

PRESENTATION TO OUTGOING COMMISSIONERS

Chair Aspinall presented *Alexander Novikov* with a plaque in appreciation of his dedicated service and diligence to the community as an Upland Planning Commissioner and Airport Land Use Committee Member from April 2019 through July 2020.

Vice Chair Schwary and *Commissioner Anderson* thanked *Mr. Novikov* for his service.

Former Commissioner Novikov thanked staff and the Planning Commission for allowing him to serve the City of Upland and thanked his family for their support.

Chair Aspinall presented *Yvette Walker* with a plaque in appreciation of her dedicated service and diligence to the community as an Upland Planning Commissioner and Airport Land Use Committee Member from July 2016 through June 2020.

Vice Chair Schwary and *Commissioner Anderson* thanked *Mrs. Walker* for her service.

Former Commissioner Walker thanked her family, staff, and the Planning Commission for allowing her to serve the City of Upland.

ORAL COMMUNICATIONS

Chair Aspinall stated this is the time for any citizen to comment on any items that are not listed on the agenda under “Public Hearings” but within the Planning Commission’s purview. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from acting on items not listed on the agenda.

Chair Aspinall announced she was moving the Study Session after Business Items and the Planning Commission would pause halfway through the Study Session to determine whether they could finish or continue the second half to the next meeting.

Jeff Walker addressed the Planning Commission and provided a brief history of his wife, Yvette Walker’s accomplishments while she was a Planning Commissioner and Airport Land Use Committee Member for the City

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and thanked her for her service.

Chair Aspinall closed oral communications.

PUBLIC HEARINGS

1. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 19-07.

Project Description: Request for a conditional use permit to allow a daycare/pre-school facility for up to 94 children within a 5,040 square foot tenant space in an existing shopping center.

Project Location: Property is located at 710 E. Foothill Boulevard, further described as Assessor's Parcel Number 1046-101-08, and zoned Commercial/Office Mixed-Use (C/O-MU).

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	Wei Zhao 4996 Aldine Street Montclair, CA 91763
RECOMMENDATION:	That the Planning Commission: 1. Receive staff's presentation; and 2. Hold a public hearing and receive testimony from the public; and 3. Find that this project is Categorically Exempt from environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities, Class 1 (a), of the California Environmental Quality Act Guidelines, since the proposed project consists of a negligible change in use within an existing structure; and 4. Move to adopt a Resolution for approval of Conditional Use Permit No. 19-07, based upon the findings and subject to conditions of approval as set forth in the Resolution.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD:	August 13, 2020 - August 24, 2020.

Associate Planner Winter provided a presentation on the details of the report, including request, proposal, and application; location; building history; project layout and tenant improvements; site plan; architecture style and elements; floor plan options; landscaping and open space areas; traffic analysis and level of service; State of California Title 22 and Health and Safety Code 3.5 regulations and requirements; CEQA exemptions; and staff recommendations.

Vice Chair Schwary inquired about left-turns being prohibited heading eastbound out of the project site onto Campus Avenue.

In response to *Vice Chair Schwary's* inquiry, *Associate Planner Winter* reported left-turns will be prohibited during peak hours. *Vice Chair Schwary* expressed concern regarding the amount of existing traffic in the area. *Associate Planner Winter* advised the Traffic Study considered the left-turn.

Vice Chair Schwary expressed concerns with traffic and children and inquired about the Police Department's conditions of approval.

In response to *Vice Chair Schwary's* inquiry, *Associate Planner Winter* reported the Police Department's conditions of approval included outdoor cameras and no loitering signs.

Commissioner Shim inquired about the daycare's licensing.

In response to *Commissioner Shim's* inquiry, *Associate Planner Winter* reported they have not received their license

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through the California Department of Social Services (CDSS) and provided a brief overview of the CDSS licensing process.

Commissioner Anderson inquired about Condition of Approval 20.9.

In response to *Commissioner Anderson's* inquiry, *Associate Planner Winter* confirmed authorized individuals can pick up the children from daycare if approved by the parent or legal guardian.

Commissioner Mayer inquired about property ownership.

In response to *Commissioner Mayer's* inquiry, *Associate Planner Winter* confirmed the entire property is owned by the same property owner except for the 7-11 and it is the tenant's decision to invoke the limitation of the left-turn lane.

Chair Aspinall inquired about signs and citations associated with left-turn restrictions.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* indicated he will follow up with the Police Department whether a fine can be imposed.

Chair Aspinall noted traditionally parking lots around daycare areas are dangerous for small children and inquired whether the parking lot will be fenced and whether the Police Department had concerns or recommendations.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* advised the parking lot will not be fenced, however the play area will be. He noted the Police Department did not express concerns regarding the safety of the parking lot, and further clarified children will be escorted to and from the facility by a parent/guardian.

Vice Chair Schwary echoed *Chair Aspinall's* concern regarding parking lot safety for the children and feels the signs will not help with the amount of traffic. He also indicated he was surprised at the leniency of the Traffic Study for this business.

Associate Planner Winter explained the Traffic Study does not look at the safety of the area but rather the amount of traffic the project may generate. He recommended traffic calming measures could be employed in the parking lot as a condition of approval, such as speed bumps or cross walks.

Commissioner Grahn inquired about the 268 parking spaces and the removal of nine (9) spaces.

In response to *Commissioner Grahn's* inquiry, *Associate Planner Winter* confirmed the spaces on the Foothill right-of-way are included and the property owner has an Encroachment Agreement with the City.

Chair Aspinall opened the public hearing.

Zoe Chen, spoke on behalf of the applicant, *Wei Zhao*. She commented Upland is in need of quality preschool and this project will serve 94 students and provide 15 to 20 job opportunities for early educators in the area. She confirmed parents and or legal guardians could authorize representatives to pick up the children such as grandparents and acknowledged identification will be checked regularly for safety. She provided a brief background on the Title 22 licensing requirements which is very stringent.

Chair Aspinall commented the project location is good except for the parking. *Zoe Chen* confirmed there will be staff, parent and student training regarding parking lot procedures and safety.

Vice Chair Schwary inquired if other locations were considered.

In response to *Vice Chair Schwary's* inquiry, *Zoe Chen* confirmed they investigated approximately 30 buildings.

Vice Chair Schwary expressed concern regarding safety in the parking lot. To which *Zoe Chen* expressed her openness to discuss a fenced-in parking lot with the property owner.

Chair Aspinall suggested staggered drop-off and pick-up times for the students to promote safety and encouraged the

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applicant to explore the options.

Commissioner Mayer inquired about the parking for staff and designated drop off areas.

In response to *Commissioner Mayer's* inquiry, *Associate Planner Winter* advised the parking lot for the daycare center is based on gross square footage as required by the Municipal Code.

Chair Aspinall and *Commissioner Mayer* suggested alternative parking for staff in another area to promote safety.

Zoe Chen noted the property owner also recommended the same parking scenario for staff.

Commissioner Anderson inquired about drop-off procedures.

In response to *Commissioner Anderson's* inquiry, *Zoe Chen* confirmed all parents and/or legal guardians will be required to walk the students into the building.

Commissioner Anderson suggested some walking path stripping that may help show parents and students how to navigate the parking lot and would like to see a proposal before the project is approved.

Chair Aspinall inquired about the age range of the students.

In response to *Chair Aspinall's* inquiry, *Zoe Chen* confirmed the age for the daycare center is two (2) to six (6) years old which provides flexibility for students who are not developmentally ready for kindergarten.

Chair Aspinall suggested the applicant clear up inconsistencies within the handbook and inquired about catering.

In response to *Chair Aspinall's* inquiry, *Zoe Chen* confirmed there will not be a kitchen in the facility but the parents will have the option to order food from their vendor or to pack a lunch for their child. She also mentioned that each classroom will have a microwave and a sink.

Commissioner Mayer inquired about the six-foot-high wrought iron fence that encloses the play area, and indicated the site plan is not clear as to whether parents need to enter the play area for drop off.

In response to *Commissioner Mayer's* inquiry, *Associate Planner Winter* explained there is a condition of approval for the project to adjust the fence because it is located in the primary ingress and egress of the building.

Chair Aspinall inquired whether the fence change impacted the number of students who could be on the playground at a time. *Associate Planner Winter* explained it may impact the playground, but the applicant has the option to extend the playground to the south.

Vice Chair Schwary expressed concern regarding the current parking lot configuration and encouraged the applicant to create a new layout based on the input received from the Planning Commission so it is safer for the students. He suggested ingress and egress be located on the east side and the playground be located towards the north or possibly reconfigured.

Commissioner Grahn agreed with *Vice Chair Schwary's* recommendation and also expressed concern regarding traffic flow north of the building.

Commissioner Mayer would like to see a redesign that clearly shows the traffic circulation and pedestrian routes of travel once they park.

Deputy City Attorney Shah explained the process for continuing the item for *Vice Chair Schwary*.

Seeing no further members of the public wishing to address the Commission, *Chair Aspinall* closed the public hearing.

Vice Chair Schwary recommended the item be continued so the applicant can come back with a redesigned site plan to address parking and traffic flow.

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Zoe Chen noted the applicant felt comfortable coming back to the Planning Commission in October with a redesigned site plan.

Vice Chair Schwary moved to continue the public hearing for Conditional Use Permit No. 19-07 to the regularly scheduled Planning Commission meeting on October 28th.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote: (7-0):

AYES: *Chair Aspinall, Vice Chair Schwary, Commissioners Anderson, Caldwell, Grahn, Mayer, and Shim.*

NAYS: *None* ABSTAINED: *None*

ABSENT: *None*

**2. PUBLIC HEARING TO CONSIDER ZONE CODE AMENDMENT NO. 20-0001.
(Requested to be continued to September 23, 2020)**

Project Description: Consideration of an Ordinance revising the City's regulations pertaining to Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) to conform to the revisions to Government Code Sections 65852.2 and 65852.22 that went into effect on January 1, 2020.

Project Location: Citywide.

STAFF:	Robert D. Dalquest, Development Services Director
APPLICANT:	City of Upland 460 N. Euclid Avenue Upland, CA 91786
RECOMMENDATION:	That the Planning Commission: 1. Move to continue the public hearing for Zone Amendment No. 20-0001 (Accessory Dwelling Units) to the next regularly scheduled Planning Commission meeting on September 23, 2020.
COUNCIL HEARING REQUIRED:	Yes
APPEAL PERIOD:	NA

Development Services Director Dalquest requested the public hearing on Zone Code Amendment No. 20-0001 be continued to the September 23rd Planning Commission meeting since Assembly Bill 68, Assembly Bill 881, and Senate Bill 13 has become State law. He noted staff will need additional time to work with the Deputy City Attorney to make revisions to the ordinance and bring it back to the Planning Commission.

Vice Chair Schwary moved to continue public hearing on Zone Code Amendment No. 20-0001 to the regularly scheduled meeting of September 23, 2020.

The motion was seconded by *Commissioner Grahn*.

The motion carried by the following vote: (7-0):

AYES: *Chair Aspinall, Vice Chair Schwary, Commissioners Anderson, Caldwell, Grahn, Mayer, and Shim.*

NAYS: *None* ABSTAINED: *None*

ABSENT: *None*

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BUSINESS ITEMS

1. Resolution amending the Rules and Procedures of the Upland Planning Commission.

Senior Administrative Assistant Davidson provided a brief history of the annual review and reported the Planning Commission adopted Resolution No. 4904 in August 2019 which amended the rules and procedures. She noted provisions included updating the resolution numbers per City Council Resolution No. 6504, clarified the election process and terms for the Chair and Vice Chair, added Commission Communications to the agenda and, added a certification language consistent with the Planning Commissions resolutions.

Senior Administrative Assistant Davidson reported staff is proposing a minor change to Section F.1, identified as General Rules for Public Hearing, which clarifies speakers are requested, but not required, to provide their name and address for the record. She also noted it is always the City's preference to collect this information so the City can respond to concerns however it is not required. This will provide speakers an option to address the Planning Commission anonymously within their First Amendment rights. She noted staff recommends approval of the draft resolution dated August 12, 2020 amending the Rules and Procedures of the Planning Commission.

Vice Chair Schwary inquired regarding the legality of not providing a name before addressing the Planning Commission.

In response to *Vice Chair Schwary's* inquiry, *Senior Administrative Assistant Davidson* reported it is requested but not required. *Deputy City Attorney Shah* explained that legally speakers are not required to submit a name or an address when providing public comment although most speakers feel comfortable with providing the information to obtain a response regarding their concerns.

Commissioner Mayer requested a reading of the verbiage of the change. *Senior Administrative Assistant Davidson* commented Section F.1 currently reads "persons presenting testimony to the Commission are requested to give their name and address for the record and to present the Commission Secretary with a speaker card stating their name and address. In the event the speaker does not complete a card before presenting testimony, the speaker may fill out this card subsequent to giving the testimony". She explained the only addition is "persons presenting testimony to the Commission are requested *but not required* to give their name and address for the record and to present the Commission Secretary with a speaker card stating their name and address".

Vice Chair Schwary moved to adopt and approve the Resolution amending the Rules and Procedures of the Upland Planning Commission.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote: (7-0):

AYES: *Chair Aspinall, Vice Chair Schwary, Commissioners Anderson, Caldwell, Grahn, Mayer, and Shim.*

NAYS: *None* ABSTAINED: *None*

ABSENT: *None*

2. Holiday Schedule.

Senior Administrative Assistant Davidson explained the change is required as a result of City Council Resolution No. 6504 which regularly schedules the Planning Commission meetings on the fourth Wednesday of every month. She presented the Holiday Meeting Schedule for 2020 which includes alternative dates for the Thanksgiving and Christmas holidays. She noted the regularly scheduled meetings are scheduled this year on November 25th and December 23rd and staff is recommending they be rescheduled to November 18th and December 9th.

Commissioner Anderson inquired why the dates are not permanently changed for the November and December meetings.

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In response to *Commissioner Anderson's* inquiry, *Senior Administrative Assistant Davidson* explained the parameters would need to be changed by the City Council in order to have the November and December dates changed permanently. She also mentioned there being talk in the past regarding scheduling this as a business item annually in January as opposed to August.

Vice Chair Schwary moved to adopt the changes for the regularly scheduled meeting in November and December and set an item on the agenda annually in January to discuss the annual Planning Commission calendar.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote: (7-0):

AYES: *Chair Aspinall, Vice Chair Schwary, Commissioners Anderson, Caldwell, Grahn, Mayer, and Shim.*

NAYS: *None* ABSTAINED: *None*

ABSENT: *None*

STUDY SESSION

Deputy City Attorney Shah led Planning Commissioner Training which provided an overview of land use laws as well as CEQA, meeting procedures, Brown Act, and Conflicts of Interest.

COMMISSION COMMUNICATION

Commissioner Anderson suggested the Planning Commission be added to the e-alert from RWG regarding legislative updates. *Deputy City Attorney Shah* noted she will add the Planning Commission to the email list upon request.

Vice Chair Schwary welcomed *Commissioner Caldwell* to the Planning Commission.

ADJOURNMENT

There being no further business to come before the Planning Commission, *Chair Aspinall* adjourned the meeting at 8:59 P.M., to the regular meeting of the Planning Commission on September 23, 2020, at 6:30 P.M.

Respectfully submitted,



Robert D. Dalquest, Secretary
Upland Planning Commission